

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable James O. Browning

**CASE NO.** 17-965 JOB

**DATE:** 3/21/18

**TITLE:** *USA v. Kirby Cleveland*

**COURTROOM CLERK:** C. Bevel

**COURT REPORTER:** J. Bean

**COURT IN SESSION:** 8:28am-9:40am

**TOTAL TIME:** 1 HR 12 MINUTES

**TYPE OF PROCEEDING:** Scheduling Conference/Status conference

**ATTORNEYS PRESENT FOR PLAINTIFF(S):**

Michael Murphy

Jennifer Rozzoni

**ATTORNEYS PRESENT FOR DEFENDANT(S):**

Theresa Duncan

Donald Kochersberger  
(Mark Donatelli, resource counsel)

**PROCEEDINGS:**

8:28am Court in session, counsel enter appearances, defendant present in custody.

8:28am Court addresses counsel on scheduling.

8:30am Ms. Duncan indicates counsel requested previous scheduling order entered by Judge Armijo be vacated. Addresses preferred scheduling order.

8:33am Court addresses Mr. Murphy regarding government's proposed scheduling order, emailed to chambers.

8:34am Mr. Murphy responds.

8:37am Court proposes going with defendant's Document 59-2 proposed scheduling order.

8:38am Mr. Murphy requests more detailed scheduling order.

8:38am Court addresses Ms. Duncan with government's proposed scheduling order.

8:39am Ms. Duncan responds.

8:42am Mr. Murphy addresses deadlines proposed in first scheduling order.

8:45am Ms. Duncan addresses court with other differences in proposed scheduling orders.

8:45am Court addresses counsel regarding deadlines.

9:27am Court will put deadlines together and get a scheduling order out.

- 9:27am Court addresses counsel regarding Doc. 52 Opposed Motion to Transport Defendant and Assure Participation of Learned Counsel by Kirby Cleveland. Court grants it in part.
- 9:29am Mr. Murphy has nothing further.
- 9:30am Court may try to hold hearings as they are briefed rather than waiting. Counsel to contact CRD when briefing is complete and request hearing.
- 9:30am Ms. Duncan requests CJA conference with the court.
- 9:40am Court in recess.